

REMARKS

Claims 22-24 stand rejected under 35 USC 112, second paragraph, as being indefinite. Specifically, the Examiner states that it is unclear what the relationship is between the carpet and the crimped yarn. To expedite the prosecution of this application, claim 22 has been amended to specify that the crimped yarn is part of the carpet pile.

Claims 22-24 have been rejected for being indefinite for claiming physical properties rather than the chemical or structural features that produce the properties. Claim 22 specifies that the claimed properties are part of the crimped yarn structure of the carpet. Accordingly, the claimed characteristics are not presented devoid of structure. Further, the claimed physical properties define both the chemical and structural characteristics of the yarn. Accordingly, this rejection should be withdrawn.

Claims 22-24 stand rejected under 35 USC 102(a) as being anticipated by Matsumura. The inventors of the present application and the Matsumura reference are identical. Accordingly, this reference does not qualify as an invention “by others” under 35 USC 102(a). Further, the parent of this application was filed within one year of the publication date of the Matsumura reference, so this reference does not qualify as prior art under 35 USC 102(b). Since Matsumura is not a valid prior art reference, the rejection of claims 22-24 should be withdrawn.

Claim 22 stand rejected under 35 USC 102(a) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Okawa. Claims 23 and 24 stand rejected under 35 USC 103(a) as being unpatentable over Okawa. These rejections are respectfully traversed.

Claim 22 has been amended to specify that the multifilament crimped yarn has “a boiling water shrinkage of not higher than 10%.” This limitation was previously included in original claim 15 and is described in paragraph [0050] of the specification. As described in the specification, this feature is a designed characteristic of the yarn that is set during manufacturing, and therefore, would not be inherent to just any yarn with “similar materials.” Since Okawa does not disclose or suggest

this characteristic, the rejections of claims 22-24 as anticipated by or obvious over Okawa should be reversed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 360842009710.

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Respectfully submitted,

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